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Harold:

I have much to say and little time, so please excuse haste.

Whitney Joy: Read his stuff with caution, for he does not understand all the he talks about. He wrote to me after I sent him my piece on the scope sight. Some of what he says is idiotic. The main problem is that although he knows about guns, he is not familiar with forensic aspects and cannot distinguish proof from good guesswork. I can't endorse him catagorically, but have to know what he says abot particular issues. There is no need for Joy to wonder about the conduct of Frazier's tests that disclosed his knowledge of the high sighting arrangement. As far as I know, all that can be known is in my paper which Joy evidently did not read carefully. Frazier admits that he fired 100-yard targets before he altered the sight and fired the targets that he put in evidence. We cannot presume that there was no change at all in the sighting arrangement between November (15 and 25 yard targets) and March (100-yard targets). It is Frazier's action which gives us knowledge that the trajectory was still very high. After firing the first 100-yd. target he was compelled to lower the sight so that bullets struck 5" high at 100 yds. That is what causes us to know that the trajectory was still high. I think this aspect is explained even in the abbreviated version that I gave you, the section on Frazier's knowledge of the high trajectory at Quantico.

Date of firing CE 557: Frazier fired these two on Nov. 23. This is written up in the section: And Two Cartridge Cases. Evidently you had not received it when you wrote yours of 29 April. I think I explained it fully and well, on lines similar to those you suggest in the letter that just came. If my account seems unsatisfactory, tell me. There is a possiblility that Frazier was keeping a double set of test cases, depending on how things went for Oswald (who was alive at the time). If Frazier did make phony cases in the way I suggested, I doubt whether he would dare bring them into court-- I am sure he wouldn't. With LHO out of the way and no questioning of evidence, there was no danger. If those cases and tests are legitimate, I cannot understand the elaborate cover-up. The cover-up is evident, no matter what happened to the cases.

Marks on Brass of Base: I do not yet have a definate authoritative reference that bolt face must mark brass-- I think that is true. I am trying to get the book that Frazier cites (Hatcher, Jury, and Weller), and find a reference in there. The absence of marks on the brass is the second most important element in my suspicion that the cases were not fired with bullets, but I do not know if it is conclusive or merely suggestive.

There may be some significance in the placement of photos in Frazier's composites. He puts the evidence case on the right and the test case on the left. I think that the other way around is customary, so that examiners can trade off pictures without having to explain ehich is the suspect and which is the test. Cunningham and Joseph Nicol both put suspects on the left. I emphasize that I am not sure of this, and will look for a reference in Hatcher, J, and W when I get it. It is just that as I think back on other tests that I have seen, the suspect case has been on the left. Maybe I'm guessing (wishful thinking), but it should be checked. If you know cops who do this sort of comparing, ask them. Part of what makes me think I am right is that when he first starts to testify on the comparison photos, Frazier erroneouslu says his suspect cases are on the left (he correct himself later). I suspect that here in his testimony he was influence by force of habit (i.e. that

he regularly puts his suspects on the left, but in this irregular instance put suspects on the right). If true, the explanation is that he wished to avoid showing the brass of his suspects. If he had put them on the left, some of the brass would have showed. (The photos by J. Nicol do in fact shaw some of the brass of CE 543; Frazier shows none.)

Joseph Nicol: If the cases did not fire bullets, I now think Nicol knew it. I was wrong previously when I suggested that he might not have seen the cases directly. They were handed over to him and he handled them. That puts him on "the hook". Cunningham is still clear. As far as the record is concerned, Cunningham saw only photos.

If you have read what I sent you so far, you know that my analysis of cover-up corresponds with yours. I have written more, but probably will hold on to it until I see you. As I recall, it does not add ~~XXXXXXXXXXX~~ to the substance that we are dealing with.

The key to the whole thing is still to find a rifle that makes the ~~xx~~ right kind of dents. When I come down, I'll bring the gun I borrowed, and may be able to adjust it so that it will do what we want it to.

Archives photo: I reveived a copy of the Archives photo from John Nichols (see enclosed letter, which I wrote before receiving photo). The picture is of abominable quality, but does indicate sharper corners at the shoulders of CE 543, 544, and 545 than on 141 (bulleted cartridge). This is a good indication that the things were fired. But the quality is poor and I cannot give a conclusive answer. I still hold by my former opinions.

If it turns out that the suspect cases were fired (or at least show evidence of firing), then I am at a loss to explain the phenomena that indicate that they did not fire bullets. Supposing that we find things that indicate the firing of bullets in the suspect cases, I don't know what to do about questions like this:

What caused the dents?

Why no bolt face marks on the brass?

I tend to eliminate a defect inside the chamber (some sort of a lump in the chamber), for I cannot imagine what fault in the milling process might have caused it, and could not explain why the fault is not identical on all cases (Thompson's explanation is pure gobbldy-gook). There are a dozen solid contradictions that I cannot handle.

We'll let this rest until more info on the cases is gathered.

Red lacquer: This struck me as strange, but it made so little sense to me that I ignored it. Maybe it's standard. I just don't know. There might be an explanation if Frazier anticipated blow-back only of the primer-- i.e. that he could pick up marks more easily, but that is purely a guess. I just do not understand why he removed the lacquer-- he did not have to.

Comparison of microscopic marks: Photos are good for illustration, but they are no substitute for direct observation. Moreover, photos are not acceptable as evidence in court-- they merely illustrate the process. Since we are not going into court, we need not bother with such restraints, but understand that photos alone are not conclusive. Marks have to be observed.

I did not write to Joseph Nicol, as you seem to think. J. Nicol testimony is last in vol.3. Eisenberg gave him some of the firearms evidence in March 1964; Nicol examined the stuff and corroborated Frazier. Nicol is firearms identification expert for the State of Illinois.

I will not be satisfied about anything until I learn what caused the shoulder dents. That will explain everything, one way or the other. I stick to my old notion about them (~~xxx~~ that they occurred while the cases held bullets and in the process of chambering-- perhaps with slight variation from precisely the way I first described). If I could conceive of any other way they might possibly be caused, I would leave it more open. But I have seen this phenomenon before I noted it on the CEs. I have seen it in old rifle of M-C vintage-- some produce dents in just that place. There is nothing more to say about this until I get hold of cartridges and can work things out elsewhere than in my head.

In time, when thing progress to completion or when we finally run up against a stone wall, I will arrange to see Braverman about it. For the time being I would like to keep him out of it.

On the Paris-Match picture: The position of the "rifleman" is ludicrous, but it could be improved if he stepped down into the bathtub.

I'll phone you when I decide when to come down.

Still

Dick

Bernabei